

APPENDIX 2

OVERVIEW AND SCRUTINY COMMITTEE CALL-IN PROCEDURE (Standing Order 35)

Decision of Cabinet to be called in:

Date of meeting	4 September 2014
Minute number	44
Subject	Outcome of The Lyndale School Consultation

Reason(s) for call-in (use additional sheet if required):

1. The Independent Consultant appointed to comment upon the options for Lyndale School was appointed unilaterally by the Local Authority, with no consultation with the Governors or Parent's of Lyndale School.
2. The Independent Consultant's report was not commissioned prior the consultation and was published once the consultation had closed, therefore not allowing any proper or adequate scrutiny of the aforementioned report.
3. Cabinet had prepared, prior to the meeting, a typed and printed recommendation which was moved by Cllr Tony Smith and agreed unanimously by attending members of the Cabinet. It would therefore seem that Cabinet's decision had insufficient regard to the presentations made at the Cabinet meeting, including the articulate and highly persuasive contributions from parent representative Zoe Anderson.
4. Education, Health and Care Plans are currently being drafted in respect of all pupils who attend the Lyndale School. In order for Cabinet, the Independent Consultant, or indeed the wider public, to have sufficient information to decide whether or not these pupils could continue their education at alternative schools the aforementioned plans should have been published prior to the opening of the consultation.
5. A series of questions raised by Governors and Parents of the Lyndale School to the Local Authority where not answered adequately or at all, so as to hinder the Governor's and parent's ability to fully respond to the consultation process.
6. The consultation meetings, although described as 'generous' by the Independent Consultant, where flawed, insofar as the Chair was an council officer and could not reasonably have been seen as independent given officers previous recommendations to Cabinet. Additionally no minutes of these meetings where published but rather 'high level notes' which were not conducive to the principle of a full and open consultation.
7. Owing to the above the Cabinet could not have made a properly informed decision as to whether the proposals met the SEN Improvement Test.

Called in by [signature(s) to be inserted]:

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Councillor Paul Hayes

Councillors:

- | | |
|--------------------|-----------------------|
| (1) Jeff Green | (14) Bruce Berry |
| (2) Phil Gilchrist | (15) Chris Carubia |
| (3) Leah Fraser | (16) Wendy Clements |
| (4) Pat Williams | (17) Stuart Kelly |
| (5) Steve Williams | (18) Dave Mitchell |
| (6) Chris Blakeley | (19) Geoffrey Watt |
| (7) Eddie Boulton | (20) David Elderton |
| (8) Gerry Ellis | (21) Tom Anderson |
| (9) John Hale | (22) Mike Hornby |
| (10) Andrew Hodson | (23) Cherry Povall |
| (11) Kathy Hodson | (24) Lesley Rennie |
| (12) Les Rowlands | (25) Tracey Smith |
| (13) Adam Sykes | (26) Pat Cleary |
| | (27) Alan Brighthouse |

***Received by:**

Signature:	Date	Time
On behalf of the Head of Legal and Member Services		

Referred to:

Policy and Performance Co-ordinating Committee	Date
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*This form must be received by the Head of Legal and Member Services by **no later than 5.00 pm** on the fifth working day following notification that the minutes have been published.

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STANDING ORDER 35

Calling in of decisions

(1) All decisions of:

- (i) the Executive Board,
- (ii) an individual member of the Executive Board or
- (iii) a committee of the Executive Board, and
- (iv) key decisions taken by an officer;

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

- (2) That Minute(s) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 5:00p.m. on the final day of the call-in period of five clear working days from the date of publication. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period)
- (3) (a) During that period, the Chief Executive shall Call-In a decision for scrutiny by the Co-ordinating Committee if so requested by any six members of the Council who have given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the call-in should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Co-ordinating Committee, and in any case within 15 working days of the decision to call-in.
- (b) The relevant Chief Officer and all members will be notified of a call-in immediately and no action will be taken to implement the decision until the call-in procedure has been completed. A decision of the Cabinet, a committee of the Cabinet or individual Cabinet member may be called in only once.
- (4) Having considered the decision, the Co-ordinating Committee may:-

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- (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;
 - (ii) refer the matter to full Council. Such a referral should only be made where the Co-ordinating Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (5) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Co-ordinating Committee before a final decision is made.
- (6) If following a call in, the Co-ordinating Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Co-ordinating Committee meeting. If the Co-ordinating Committee does not meet the decision shall take effect from the date when the Committee should have met.
- (7) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.
- (9) Call-in should only be used in exceptional circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.
- (10) Call-in and urgency
 - (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay is likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest. The record of the decision and the notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chief Executive must agree both that the decision proposed is reasonably in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of

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urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.